

# **CHAPTER 1**

## **OPEN CONTAINER LAW**

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### **1-1 Purpose**

**It is the purpose of this Ordinance to protect public safety and preserve public order through the adoption of regulations which restrict the public consumption of alcoholic beverages. \*\***

### **1-2 Statutory Authority**

**This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 24 V.S.A. § 2291(17). \*\***

### **1-3 Limitations**

**It shall be unlawful for any person to drink any malt, vinous or spirituous liquors upon any street, alley, sidewalk, parking place, whether publicly or privately owned, which is provided for the use of the public; or in or upon any motor vehicle while moving or stationary in any of said places. Possession upon one's person of an open container of any such liquor in any of such public places, including motor vehicles, shall be prima facie evidence of a violation hereof.**

### **1-4 Exemptions**

**The provisions of the Ordinance shall not apply to premises where such liquors are legally sold for consumption on said premises, or to recreational areas in which facilities are provided for picnics; except that one half hour after sunset until sun up, any use of alcoholic beverages at such facilities will require a special permit from the Chief of Police.\***

### **1-5 Criminal Designation**

**A violation of this Ordinance shall be a criminal matter, enforced as such in accordance with State Statute. \*\***

**\* 5/30/85 Amendment adopted requiring permit from Police Chief allowing open containers at recreational facilities in the evening.**

**\*\* 2/21/95 Amendments adopted in order to conform to the "Municipal Enforcement Act", so-called.**

**1-6     Penalties**

**A person who violates this Ordinance shall be punishable by a fine of not over \$100.00, or imprisonment of not over 30 days, or both.**

**1-7     Severability**

**If any provision of this Ordinance or the application thereof to any person shall be held by any court to be invalid, such holding shall not affect the validity of the remainder of this Ordinance and to this end the provisions here are declared to be separable.**

<b>Adopted -</b>	<b>5/4/81</b>
<b>Effective -</b>	<b>7/5/81</b>
<b>Amended -</b>	<b>6/17/85</b>
<b>Effective -</b>	<b>8/17/85</b>
<b>Amended -</b>	<b>2/21/95</b>
<b>Effective -</b>	<b>4/22/95</b>